

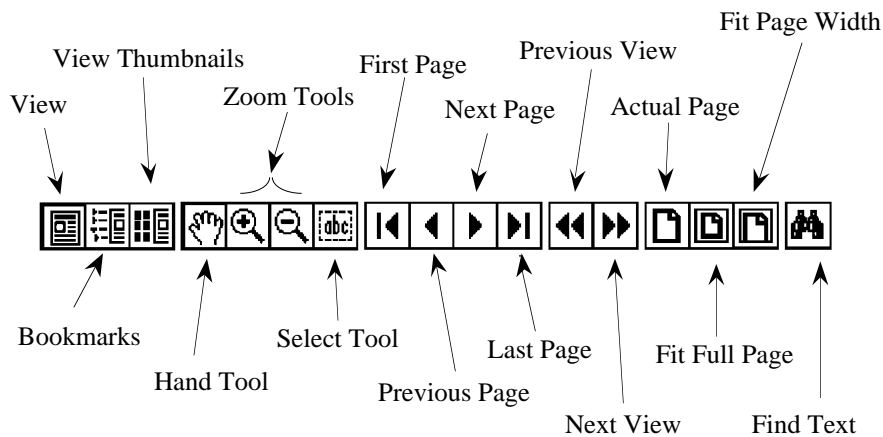
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Below is an explanation of each of the tool bar icons. There are a few other tools in the menus, but these help you navigate around the document. Page View is the view you are in now. Click on the View Bookmarks and View Thumbnails buttons and notice what you see.

The zoom tools allow you to zoom in and out of the page. One trick you may want to try is to click on the "Zoom in" tool and then "click and drag" over a small area on the page. Notice that the area you dragged over has been magnified large enough to fit into the screen. If you click on the "Previous View" button, you'll notice you return to the view you were in before you zoomed in.

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- **Blue** highlighted text means that by clicking on this word you will be sent to linked topic within the document.
- To scroll through the text click within the scroll bar on the right edge or for small increment moves click your mouse on the up or down arrow at the top or bottom of the scroll bar respectively.
- This also applies when you have the Zoom in/out button selected. If, while holding down the <option> key, you click, the opposite effect will occur.

Nationwide Permits Most Commonly Used By WSDOT

NWP's	Section	Notification Required	Regional Conditions	401 Certification	CZM Determination
3	10 & 404		None	Approved	Concur
12	404		3	Partially Denied	Partially Denied
13	10 & 404	X ¹	2	Partially Denied	Partially Denied
14	10 & 404	X ²	4	Partially Denied	Partially Denied
18	10 & 404	X ³	1	Denied	Denied
23	10 & 404		1	Partially Denied	Partially Denied
25	404		None	Approved	Concur
26	404	X ⁴	2	Partially Denied	Partially Denied

Index of Nationwide Permits Used on WSDOT Projects

NWP 3.	Maintenance
NWP 12	Utility Line Backfill & Bedding
NWP 13.	Bank Stabilization
NWP 14.	Road Crossing
NWP 18.	Minor Discharges
NWP 23.	Approved Categorical Exclusions
NWP 25.	Structural Discharge
NWP 26.	Headwaters & Isolated Waters Discharge

¹ Notification required for bank stabilization activities exceeding 1/2 cubic yard of fill material per running foot.

² Notification required for road crossing activities in tidal waters waterward of mean higher high water.

³ Notification required if discharge exceeds 10 cubic yards, **or** the discharge is in a special aquatic sites, including wetlands. **Must** include a delineation of special aquatic sites, including wetlands.

⁴ Notification **not** required for fills less than 1 acre **provided** the discharge is not within a documented habitat for state listed endangered, threatened, or sensitive animal species.

NWP 3. Maintenance

The repair, rehabilitation, or replacement of any previously authorized, currently serviceable, structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, **provided** that the structure or fill is **not** to be put to use differing from those uses specified or contemplated for it in the original permit of the most recently authorized modification.

Minor deviations in the structure's configuration or filled area including those due to changes in materials, construction techniques, or current construction codes or safety standards which are necessary to make repair, rehabilitation, or replacement are permitted, **provided** the environmental impacts resulting from such repair, rehabilitation, or replacement are minimal.

Serviceable means usable as is or with some maintenance, but **not** so degraded as to essentially require reconstruction.

The NWP authorizes the repair, rehabilitation, or replacement of those structures destroyed by storms, floods, or other discrete events, **provided** the repair, rehabilitation, or replacement is commenced or under contract to commence **within** 2 years of the date of their destruction or damage.

In cases of catastrophic events, such as hurricanes or tornadoes, this 2 year limit **maybe** waived by the District Engineer, provided the permittee can demonstrate funding, contract, or similar delays.

Maintenance dredging and beach restoration are **not** authorized by this Nationwide permit.

Regional Conditions

None

401 Certification & CZM Determination Conditions

Concur

NWP 12. Utility line Backfill & Bedding

Discharges of material for backfill or bedding for utility line, including outfall and intake structures, **provided** there is **no** change in reconstruction contours.

Utility line is defined as any pipe or pipe line for the transportation of any gaseous, liquid, liquefiable, or slurry substance, for any purpose, & any cable, line, or wire for the transmission for any purpose of electrical energy, telephone & telegraph messages, & radio and TV communication.

Utility line **does not** include activities which drain a Waters of the US, such as drainage tile, **however**, it does apply to pipes conveying drainage from another area.

Material resulting from trench excavation **maybe** temporarily sidecast (up to 3 months) into Waters of the US **provided** that the material is **not** placed in such a manner that it is dispersed by currents or other forces. The District Engineer may extend the period of temporary sidecasting up to 180 days, when appropriate.

The area of Waters of the US that is disturbed **must** be limited to the minimum necessary to construct the utility line. In wetlands, the top 6" to 12" of the trench **should** generally be backfilled with top soil from the trench.

Excess material **must** be removed to upland areas immediately upon completion of construction. Any exposed slopes & stream banks **must** be stabilized immediately upon completion of the utility line. The utility line itself **will** require a Section 10 permit if in navigable Waters of the US.

Regional Conditions

1. Installation of a utility line is **not** authorized in a watershed specifically designated & protected as a surface source of public drinking waters.
2. The top 6" to 12" of trench in wetlands **are** to be backfilled with wetland topsoil from trench.
3. When revegetation is necessary, native vegetation **shall** be utilized to the fullest extent possible given a reasonable likelihood of success. Measures such as hydoseeding **maybe** used for temporary erosion control.

401 Certification & CZM Determination Conditions

An individual 401 Certification or wavier is required when:

A utility line requiring a trench that exceeds 2 or more feet in width at top of the trench or,

A utility line segment that results in a crossing length in excess of 500 feet of Waters of the US or,

A utility line that conveys oil, petroleum, or related products, **except** natural gas.

CZM Consistency Determination is subject to 401 Certification Conditions.

CZM determination **must** be obtained for projects located in Whatcom, Skagit, San Juan, Island, Clallam, Snohomish, Jefferson, Kitsap, King, Grays Harbor, Mason, Pierce, Pacific, Thurston, and Wahkiamkum Counties.

NWP 13. Bank Stabilization

Bank Stabilization activities necessary for erosion prevention **provided**:

- a. **No** material is placed in excess of the minimum needed for erosion protection;
- b. The bank stabilization activity is less than 500 feet in length;
- c. The activity **will not** exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark or high tide line;
- d. **No** material is placed in any special aquatic site, including wetlands;
- e. **No** material is of the type or is placed in any location or in any manner so as to impair surface water flow into or out of any wetland area;
- f. **No** material is placed in a manner that **will** be eroded by normal or expected high flows (properly anchored trees and treetops **maybe** used in low energy areas); and,
- g. The activity is part of a single and complete project.

Bank stabilization activities in excess of 500 feet in length or greater than an average of 1 cubic yard per running foot **maybe** authorized if the permittee notifies the District Engineer in accordance with the "notification" general condition and the District Engineer determines the activity complies with the other terms and conditions of the nationwide permit and the adverse environmental impacts are minimal both individually and cumulatively.

Regional Conditions

1. Bank stabilization activities exceeding 1/2 cubic yard of fill material per running foot **maybe** authorized if the permittee notifies the District Engineer in accordance with the "Notification" general condition and the adverse impacts are determined to be minimal.
2. When revegetation is necessary, native vegetation **shall** be utilized to the fullest extent possible given a reasonable likelihood of success. Measures such as hydroseeding **maybe** used for temporary erosion control.

401 Certification & CZM Determination Conditions

An individual 401 Certification or wavier is required when:

- a) Bank stabilization projects that exceed an average of 1/2 cubic yard of solid pour concrete per running foot placed along the bank below the plane of ordinary high water or mean higher high water in tidal areas.
- b) Bank stabilization that exceeds 500 feet in length and does **not** incorporate structures and/or modifications that are beneficial as fish or wildlife habitat, are **not** designed and constructed in accordance to current engineering standards, and do **not** meet the requirements of the State Dept. of Fisheries or Wildlife.

CZM Consistency Determination is subject to 401 Certification Conditions.

CZM determination **must** be obtained for projects located in Whatcom, Skagit, San Juan, Island, Clallam, Snohomish, Jefferson, Kitsap, King, Grays Harbor, Mason, Pierce, Pacific, Thurston, and Wahkiakum Counties.

NWP 14. Road Crossing

Fills for roads crossing Waters of the US (including wetlands & other special aquatic sites) **provided**:

- a. The width of the fill is limited to the minimum necessary for the actual crossing;
- b. The fill placed in Waters of the US is limited to filled area of **no** more than 1/3 acre. Furthermore, **no** more than a total of 200 linear feet of the fill for the roadway can occur in special aquatic sites, including wetlands;
- c. The crossing is culvered, bridged or otherwise designed to prevent the restriction of, and to withstand, expected high flows and the movement of aquatic organisms;
- d. The crossing, including all attendant features, both temporary and permanent, is part of a single and complete project for crossing of a Waters of the US; and,
- e. For fills in special aquatic sites, including wetlands, the permittee notifies the District Engineer in accordance with the "Notification" general condition. The notification **must** also include a delineation of affected special aquatic sites, including wetlands.

Some road fills **maybe** eligible for an exemption from the need for a Section 404 permit altogether (see CFR 323.4). Also, where local circumstances indicate the need, District Engineers **will** define the term "expected high flows" for the purpose of establishing applicability of this nationwide permit.

Regional Conditions

1. Roads crossing activities in tidal Waters Watersward of mean higher high water **maybe** authorized if the permittee notifies the District Engineer in accordance with the "Notification" general condition and the adverse impacts are determined to minimal.
2. Fill placed in Waters of the US greater than one tenth (1/10) acre (4,356 sq. ft.) is **not** authorized. The 200 linear foot limit remains the same. An individual permit application **must** be submitted for proposed fills greater than 1/10 acre in Waters of the US.
3. When revegetation is necessary, native vegetation **shall** be utilized to the fullest extent possible given a reasonable likelihood of success. Measures such as hydoseeding **maybe** used for temporary erosion control.
4. The discharge is **not** authorized in documented habitat for state endangered, threatened, or sensitive animal species.

401 Certification & CZM Determination Conditions

An individual 401 Certification or wavier is required when:

Road crossings are in tidal waters.

CZM Consistency Determination is subject to 401 Certification Conditions.

CZM determination **must** be obtained for projects located in Whatcom, Skagit, San Juan, Island, Clallam, Snohomish, Jefferson, Kitsap, King, Grays Harbor, Mason, Pierce, Pacific, Thurston, and Wahkiamkum Counties.

NWP 18. Minor Discharges

Minor discharges of dredged or fill material into all Waters of the US **provided**:

- a. The discharge does **not** exceed 25 cubic yards;
- b. The discharge **will not** cause the loss of more than 1/10 acre of a special aquatic site, including wetlands. For the purposes of this nationwide permit, the acreage limitation includes the filled area plus special aquatic sites that are adversely affected by flooding and special aquatic sites that are drained so that they would **no** longer be a Waters of the US as a result of the project;
- c. If the discharge exceeds 10 cubic yards or the discharge is in a special aquatic site, including wetlands, the permittee notifies the District Engineer in accordance with the "Notification" general condition. For discharges in special aquatic sites, including wetlands, the notification **must** also include a delineation of affected special aquatic sites, including wetlands. (Also see 33 CFR 330.1(e)); and
- d. The discharge, including all attendant features, both temporary and permanent, is part of a single and complete project and is **not** placed for the purpose of stream diversion.

Regional Conditions

The discharge is **not** authorized in documented habitat for state listed endangered, threatened, or sensitive animal species.

401 Certification & CZM Determination Conditions

An individual 401 Certification is required from Ecology.

An individual CZM Consistency Determination is required from Ecology for projects located in counties within the coastal zone.

CZM determination **must** be obtained for projects located in Whatcom, Skagit, San Juan, Island, Clallam, Snohomish, Jefferson, Kitsap, King, Grays Harbor, Mason, Pierce, Pacific, Thurston, and Wahkiakum Counties.

NWP 23. Approved Categorical Exclusions

Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where that agency or department has determined, pursuant to the Council on Environmental Quality Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR Part 1500 et seq.), that activity, work, or discharge is categorically excluded from environmental documentation because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment, and the Office of the Chief of Engineers (ATTN: CECWOR) has been furnished notice of the agency's or department's application for the categorical exclusion and concurs with that determination.

Prior to approval for purposes of the nationwide permit of any agency's categorical exclusions, the Chief of Engineers **will** solicit public comment. In addressing these comments, the Chief of Engineers may require certain conditions for authorization of an agency's categorical exclusions under this nationwide permit.

Approved FHWA categorical exclusions with stipulations

The stipulation is that each activity occurring under 49 CFR 771.117 paragraph (c) (3), (c) (7), (c) (9), and (c) (12) as well as all activities under all (d) paragraphs must be verified on a case by case basis by the district engineer or his regulatory staff.

Regional Conditions

The discharge is **not** authorized in documented habitat for state listed endangered, threatened, or sensitive animal species.

401 Certification & CZM Determination Conditions

An individual 401 Certification or wavier is required when:

A fill in Waters of the US exceed 1 (one) acre.

All new categorical exclusions are denied without prejudice.

CZM Consistency Determination is subject to 401 Certification Conditions.

CZM determination **must** be obtained for projects located in Whatcom, Skagit, San Juan, Island, Clallam, Snohomish, Jefferson, Kitsap, King, Grays Harbor, Mason, Pierce, Pacific, Thurston, and Wahkiakum Counties.

NWP 25. Structural Discharge

Discharge of material such as concrete, sand, rock, etc. into tightly sealed forms or cells where the material **will** be used as a structural member for standard pile supported structures, such as piers and docks; and for linear projects, such as bridges, transmission line footings, and walkways.

The NWP does **not** authorize filled structural members that would support buildings, homes, parking areas, storage areas and other such structures. House pads or other building pads are also **not** included in this nationwide permit.

The structure itself may require a Section 10 permit if located in navigable Waters of the US.

Regional Conditions

None

401 Certification & CZM Determination Conditions

Concur

NWP 26. Headwaters & Isolated Waters Discharge

Discharge of dredged or fill material into Waters and isolated Waters **provided**:

- a. The discharge **doesn't** cause the loss of more than 10 acres of Waters of the US;
- b. The permittee notifies the District Engineer (DE), if the discharge would cause the loss of Waters of the US greater than 1 acre in accordance with the "Notification" general condition. For discharges in special aquatic sites, including wetlands, the notification **must** also include a delineation of affected special aquatic sites, including wetlands. (Also see 33 CFR 330.1(e)); and
- c. The discharge, including all attendant features, both temporary & permanent, is part of a single & complete project.

For the purpose of this NWP, the acreage of loss of Waters of the US includes the filled area **plus** Waters of the US adversely affected by flooding, excavation or drainage as a result of the project.

The 10 acre & 1 acre limits of NWP 26 are absolute, & can **not** be increased by any mitigation plan offered by the applicant or required by the DE.

Regional Conditions

1. The discharge of dredged or fill material which would cause the loss of greater than 2 acres is **not** authorized by this NWP. An individual permit application **must** be submitted for discharges greater than 2 acres.
2. The discharge is **not** authorized in documented habitat for state listed endangered, threatened, or sensitive animal species.

401 Certification & CZM Determination Conditions

An individual 401 Certification or wavier is required when:

A project affects more than 1 (one) but **no** more than 2 (two) acres of head Waters or isolated waters.

CZM Consistency Determination is subject to 401 Certification Conditions.

CZM determination **must** be obtained for projects located in Whatcom, Skagit, San Juan, Island, Clallam, Snohomish, Jefferson, Kitsap, King, Grays Harbor, Mason, Pierce, Pacific, Thurston, and Wahkiamkum Counties.

Subdivisions: For any real estate subdivision created or subdivided after October 5, 1984, a notification pursuant to subsection (b) of this NWP is required for any discharge which would cause the aggregate total loss of Waters of the US for the entire subdivision to exceed 1 acre. Any discharge in any real estate subdivision which would cause the aggregate total loss of Waters of the US in the subdivision to exceed 10 acres is **not** authorized by this NWP; **unless** the DE exempts a particular subdivision or parcel by making a written determination that: (1) the individual & cumulative adverse environmental effects would be minimal & the property owner had, after October 5, 1984, but prior to January 21, 1992, committed substantial resources in reliance on NWP 26 with regard to a subdivision, in circumstances where it would be inequitable to frustrate his investment-backed expectations, or (2) that the individual and cumulative adverse environmental effects would be minimal, high quality wetlands would **not** be adversely affected, and there would be an overall benefit to the aquatic environment.

Once an exemption is established for a subdivision, subsequent lot development by individual property owners may proceed using NWP 26.

For purposes of NWP 26, the term “real estate subdivision” **shall** be interpreted to include circumstances where a landowner or developer divides a tract of land into smaller parcels for the purpose of selling, conveying, transferring, leasing, or developing said parcels. This would include the entire area of a residential, commercial or other real estate subdivision, including all parcels and parts thereof.